Dockets.Justia.com

STATE OF ILLINOIS '

COUNTY OF COOK '

AFFIDAVIT IN SUPPORT OF HSBC NORTH AMERICA HOLDINGS INC.'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

BEFORE ME, the undersigned authority, on this day personally appeared Margo Hickman, who, after being by me duly sworn, upon her/his oath, deposed and stated as follows:

My name is Margo Hickman. I am the Senior Vice President - Insurance of HSBC North America Holdings Inc. I am duly qualified and authorized to make this Affidavit in all respects from my own personal knowledge.

1. "HSBC North America Holdings Inc. is a Delaware corporation whose principal place of business is located in Prospect Heights, Illinois.

2. HSBC North America Holdings Inc. is not a resident of the State of Texas.

3. HSBC North America Holdings Inc. does not maintain a registered agent for service of process within the State of Texas.

4. HSBC North America Holdings Inc. does not maintain a place of business within the State of Texas.

5. HSBC North America Holdings Inc. has no property, business records, employees, bank accounts, or telephone numbers in the State of Texas.

6. HSBC North America Holdings Inc. does not engage in or conduct any business within the State of Texas.

7. HSBC North America Holdings Inc. has no officers or directors residing or domiciled within the State of Texas.

8. HSBC North America Holdings Inc. has held no meetings of Board of

EXHIBIT
tabbies
A

Directors or shareholders within the State of Texas.

9. HSBC North America Holdings Inc. has not purposely done any act or consummated any transaction within the State of Texas.

10. HSBC North America Holdings Inc. has not made, used, sold, offered to sell, and/or imported, directly, contributorily, and/or by inducement, any infringing products or services within the State of Texas.

11. HSBC North America Holdings Inc. has not provided or sold any products or services within the State of Texas separately or with or for any other Defendant.

12. HSBC North America Holdings Inc. is not currently engaging in any infringing activities within the State of Texas.

13. HSBC North America Holdings Inc. is not an owner or current user of Viewpointe Archive Services, LLC within the State of Texas.

14. HSBC North America Holdings Inc. has not engaged in infringing activities with relation to the products and services of Viewpointe Archive, LLC within the State of Texas.

15. HSBC North America Holdings Inc. is not an owner or current user of Small Value Payments Company, LLC and/or The Clearing House Payments Company, LLC within the State of Texas.

16. HSBC North America Holdings Inc. has not engaged in infringing activities with relation to the products and services of Small Value Payments Company, LLC and/or The Clearing House Payments Company, LLC within the State of Texas.

17. HSBC North America Holdings Inc. has not authorized, participated in, or facilitated any transactions occurring in whole or in part within the State of Texas that

infringe, in whole or in part, upon the >988, >137, >007 or >868 patents.

18. HSBC North America Holdings Inc. is a holding company whose business consists of holding stock in various corporations.

I voluntarily make this Affidavit and can state that I have read and the statements contained therein and in this Affidavit are within my personal knowledge and true and correct."

FURTHER AFFIANT SAYS NOT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 31st day of May, 2006.

NOTARY PUBLIC IN AND FOR THE STATE OF ILLINOIS

KATHRYN M. NOLAN

Printed Name of Notary Public

My commission expires: FEBRUARY 2, 2008

"OFFICIAL SEAL"
KATHRYN M. NOLAN
Notary Public, State of Illinois
My Commission Expires Feb. 2, 2008